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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/733,739      | 12/11/2003  | Robert J. Nelson     | 2003P13793US        | 8394             |

7590 06/21/2005

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER

CUEVAS, PEDRO J

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2834

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AKC

**Office Action Summary**

Application No.

10/733,739

Applicant(s)

NELSON ET AL.

Examiner

Pedro J. Cuevas

Art Unit

2834

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/11/03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 8, 10-11, 21-23, and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,274,941 B1 to Ryhiner.

Ryhiner clearly teaches the construction of a process and device for dosing the thermal output of combined heat and power generation systems comprising:

a housing (biggest box in Figure 1);

an electrical generator (4) within said housing;

a gas turbine (combustion engine 3) for driving said electrical generator;

a step-up transformer (6) within said housing and connected to said electrical generator, comprising a station power tap (connection between 6 and 12) for providing station power;

a plurality of insulated copper conductors connecting said electrical generator and said step-up transformer;

a station power output (5) between said electrical generator and said step-up transformer for providing station power.

3. With regards to claims 21-23 and 27-28, Ryhiner discloses a the steps of:  
positioning an electrical generator within a housing;

connecting a step-up transformer to the electrical generator within the housing comprising a station power tap for providing station power;

connecting the step-up transformer without using an isolated phase bus;

using a plurality of insulated copper conductors to connect the electrical generator and the step-up transformer; and

installing a station power output between the electrical generator and the step-up transformer for providing station power.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5, 7, 9, and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,274,941 B1 to Ryhiner in view of U.S. Patent No. 4,302,291 A to Severs et al.

Ryhiner disclose the construction of combined heat and power generation systems as disclosed above.

However, it fails to disclose a steam turbine powered generator having at least a 50-megawatt output, a barrier wall within said housing and between said electrical generator and said step-up transformer having an output voltage of at least 69 KV, and said housing comprises at least one access door.

Severs et al. teach the construction of an underwater nuclear plant structure comprising:

a steam turbine powered generator having at least a 50-megawatt output (column 6, lines 47-53);

a barrier wall (Figure 5 shows the generator 174 within 2 walls inside sphere 180) within said housing and between said electrical generator and said step-up transformer having an output voltage of at least 69 KV (column 12, lines 29-35); and

said housing comprises at least one access door (lower portion of Figure 8, at the center);

for the purpose of providing a safe and convenient means to house a nuclear power generating plant beneath a body of water.

It would have been obvious to one skilled in the art at the time the invention was made to use the combined heat and power generation systems disclosed by Ryhiner with the underwater nuclear plant structure disclosed by Severs et al. for the purpose of providing a safe and convenient means to house a power generating plant.

6. Claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,274,941 B1 to Ryhiner in view of U.S. Patent No. 6,311,779 B2 to McSheffrey et al.

Ryhiner disclose the construction of combined heat and power generation systems as disclosed above.

However, it fails to disclose installing a fire extinguishing system within the housing.

McSheffrey et al. teach the construction of a signaling portable fire extinguisher assembly (10) comprising a fire extinguisher (12) and a fire extinguisher docking station (14) for mounting the fire extinguisher on the inside or outside of a wall (W) of a room or housing, for the purpose of providing on-site fire extinguishing means in case of a fire emergency.

It would have been obvious to one skilled in the art at the time the invention was made to use the signaling portable fire extinguisher assembly disclosed by McSheffrey et al. on the combined heat and power generation systems disclosed by Ryhiner for the purpose of providing on-site fire extinguishing means in case of a fire emergency.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro J. Cuevas whose telephone number is (571) 272-2021. The examiner can normally be reached on M-F from 8:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pedro J. Cuevas  
June 15, 2005



DARREN SCHUBERG  
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